

2108

~~H~~

500.31617CX1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: SUGIYAMA, et al.

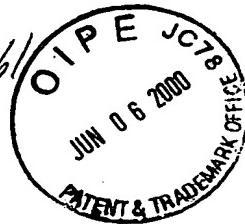
Serial No.: 08/427,866-*464,461*

Filed: April 26, 1995

For: THREE-DIMENSIONAL RECORDING AND REPRODUCING APPARATUS

Art Unit: 2108

Examiner: unassigned



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**PETITION FOR WITHDRAWAL OF ERRONEOUS ABANDONMENT**

Assistant Commissioner  
for Patents  
Washington, D.C. 20231

June 6, 2000

Sir:

On May, 18, 2000, Applicant respectfully filed a Status Inquiry as it had been five years since the filing of the application on April 26, 1995, and no communication has been received as of yet regarding the application. Further, shortly thereafter, the undersigned began making telephone calls in an attempt to determine the status. On May 31, 2000, the undersigned received a voice mail from an SPE Nancy Le indicating that USPTO records indicated that the above-identified application had been expressly abandoned in view of a file wrapper continuation (FWC), i.e., related application 08/464,461 which subsequently issued as U.S. Patent 5,614,938. Also on May 31, 2000, the undersigned received a return call from USPTO customer service representative Davis Willis who reiterated the same USPTO position as Miss Le. The below-indicated law firm's file and records for the

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present application do not reflect receipt of any written papers from the USPTO indicating abandonment of the present application.

After the above, the below-indicated law firm's file and records for the related application 08/464,461 were accessed, and it was found that 08/464,461 was filed as a Rule 60 continuation application, and not as a Rule 62 FWC application. More particularly, attached hereto is a copy of a cover letter and USPTO date-stamped postcard both indicating that related application 08/464,461 was filed as a Rule 60 continuation application. Accordingly, it is respectfully submitted that the USPTO's apparent "express abandonment of the present application in view of a filing of 08/464,461 as a FWC of 08/427,866" is in error, and written withdrawal of such abandonment is respectfully requested.

Relatedly, with regard to the issued U.S. Patent 5,614,938 which issued from related application 08/464,461, it has been respectfully noted that a "Related U.S. Application Data" portion of such issued patent erroneously indicated that such patent is a "Continuation of Ser. No. 427,866, Apr. 26, 1995, abandoned...", and accordingly, a Certificate of Correction is being filed under separate cover letter to correct the same.

Respectfully submitted,



Paul J. Skwierawski  
Registration No. 32,173  
ANTONELLI, TERRY, STOUT & KRAUS, LLP

PJS/  
(703) 312-6600  
attachments:

copy of June 5, 1995, cover letter filing related application 08/464,461  
copy of June 5, 1995, USPTO date-stamped post card re filing of 08/464,461

Patent

Trademark

08/464461

500.31617CX2

Serial No. \_\_\_\_\_ Filed June 5, 1995

Applicant(s) H. SUGIYAMA, et al

Papers filed herewith on June 5, 1995

Fees \$ 730.00

New Application Rule 60

MAIL TO Assignment

Amendment

Letter to Draftsman

Notice of Appeal

Priority Documents

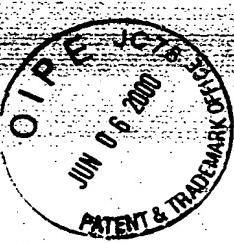
Appeal Brief

Petition for Ext. of Time

Other Letter; Transmittal Letter (3 pgs);  
Spec., Claims & Abstract (86 pgs); Declaration  
(3 pgs); 27 sheets of Drawings

Receipt is hereby acknowledged of the papers filed as indicated in connection with  
above identified case.

4617 COMMISSIONER OF PATENTS AND TRADEMARKS



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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior Application Serial No.: 08/427,866  
 Filed: April 26, 1995  
 Examiner: M. Reinhart  
 Group: 2108

Honorable Commissioner of  
 Patents and Trademarks  
 Box FWC  
 Washington, D.C. 20231



JUN 5, 1995

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Sir:

This is a request for filing a Continuation application under 37 CFR 1.60 of prior application Serial No. 08/427,866, filed April 26, 1995 by H. SUGIYAMA, et al for THREE-DIMENSIONAL RECORDING AND REPRODUCING APPARATUS.

1. Enclosed is a copy of the prior application as originally filed and an affidavit or declaration verifying it as a true copy.

2. The filing fee is calculated below:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT

<u>For</u>	<u>Number Filed</u>	<u>Number Extra</u>	<u>Rate</u>	<u>Basic Fee</u>
				\$730.00
Total Claims:	12 - 20 =		x \$22.00	
Independent Claims:	3 - 03 =		x \$76.00	

Total Filing Fee \$730.00

3. A check in the amount of \$730.00 is enclosed.

4. To the extent necessary, applicant's petition for extension of time under 37 CFR 1.136 in Serial No. 08/427,866, filed April 26, 1995. Please charge any shortage in the fees or credit any overpayment thereof, including extension of time fees to Deposit Account No. 01-2135 (500.31617CX2). A duplicate copy of this sheet is attached.

5. Cancel original claims of the prior application before calculating the filing fees.

6. Amend the specification by inserting before the first line the sentence:

--This application is a continuation of application Serial No. 08/427,866, filed April 26, 1995, which is a continuation of application Serial No. 07/958,162, filed October 8, 1992, now U.S. Patent No. 5,414,451, issued May 9, 1995.--

- [ ] 7. Transfer the drawings from the prior application to the instant application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.

- [X] 7a. New formal drawings are enclosed.
- [ ] 7b. Informal drawings are enclosed.
- [X] 8. Priority of application No(s). 3-263561, filed on October 11, 1991, in Japan, is claimed under 35 U.S.C. 119.
- [X] 8a. The certified copy was filed on November 23, 1992 in prior application Serial No. 07/958,162, filed October 8, 1992.
- [X] 9. The prior application is assigned of record to:

HITACHI, LTD.

- [X] 10. The power of attorney in the prior application is to:

Donald R. Antonelli, Reg. No. 20,296; David T. Terry, Reg. No. 20,178; Melvin Kraus, Reg. No. 22,466; Stanley A. Wal, Reg. No. 26,432; William I. Solomon, Reg. No. 28,564; Gregory E. Montone, Reg. No. 28,141; Ronald J. Shore, 28,577; Donald E. Stout, Reg. No. 26,422; Alan E. Schiavelli, Reg. No. 32,087; and James N. Dresser, Reg. No. 22,973.

- [X] 10a. The power appears in the original papers in the prior application.

- [ ] 10b. Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

- [X] 11. Address all future communications to:

ANTONELLI, TERRY, STOUT & KRAUS  
Suite 1800  
1300 North Seventeenth Street  
Arlington, Virginia 22209

- [ ] 12. A Preliminary Amendment is enclosed. (Any claims added by the Preliminary Amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
- [X] 13. I hereby verify that the attached papers are a true copy of prior application, Serial No. 08/427,866 as originally filed in the U.S. Patent and Trademark Office on April 26, 1995.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136 in parent application Serial No. 08/427,866, filed April 26, 1995, including extension of time fees, to Deposit Account No. 01-2135 (500.31617CX2) and credit any excess fees to such deposit account.

Respectfully submitted,

---

Melvin Kraus  
Registration No. 22,466  
ANTONELLI, TERRY, STOUT & KRAUS

MK/cec  
(703) 312-6600